

## **REMARKS**

Claims 17, 18, 31-35, 41 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 17, 18, 31, and 41 have been amended. Reconsideration and withdrawal of the rejection is requested.

Claims 1, 2, 5, 6, 8-24, 29, 36-38, 40, 41, 60, and 61 stand rejected under 35 U.S.C. 102(b) as being anticipated by Coplen (2818681). Claim 1 has been amended to include the limitation of “wherein the upwardly facing surface is essentially free from obstructions to radial root growth.” Support for this amendment is found in the specification at para. [0008], lines 2-3. Coplen does not teach or suggest this limitation. Rather, Coplen teaches that “the plate 15 is provided with a central groove 18 concentric with the walls of the container . . .” (Coplen, col. 3, lines 41-44). This central groove is an obstruction to radial root growth in accordance with the present invention. Reconsideration and withdrawal of the rejection is requested.

Regarding claims 8 and 29, Applicant asserts that Coplen, Figure 3 shows a constant curvature rather than “a central arch and a surrounding semispherical region.” (See claim 8). In accordance with the claims, the central arch or dome has a different curvature than the surrounding semispherical region. (See Figures 1B-C, 2B-D, 3-5, 6A-8). The examiner must give meaning to every word of the claim. Reconsideration and withdrawal of the rejection is requested.

Regarding claim 12, Applicant asserts that Coplen discloses a plate 15 having an edge 16. (Coplen, col. 3, lines 34-36). The edge is not a projection.

Regarding claims 13, 36 and 38, the examiner asserts Coplen as disclosing a plurality of protuberances 9. However, Coplen teaches that element 9 is an “outwardly extending bead which extends completely around the side wall 1.” (Coplen, col. 3, lines 2-5). There is no plurality of such beads.

Regarding claim 14, the examiner asserts that “outwardly extending bead 9” of Coplen has a proximal opening and a distal opening. (Office Action, page 5). The present specification discusses the concept of a distal opening in relation to Figure 2C (See also para. [0045]) and also in relation to Whitcomb (4,497,132) (See para [0006]). Figure 2C shows “openings 46 in the distal end of the protuberances 44.” Coplen does not teach, show or suggest a protuberance with such a distal opening.

Regarding claim 15, Applicant has already pointed out that Coplen discloses an edge 16 (not a plurality of projections) and an outwardly extending bead (not a plurality of protuberances).

Regarding claims 16 and 41, Applicant has already explained (with respect to claim 14) that Coplen does not teach, show or suggest a protuberance with a distal opening, as those terms are properly construed in light of the present specification. Accordingly, Coplen does not teach, show or suggest a proximal opening larger than a distal opening.

Regarding claims 20 and 36, Applicant asserts that the Coplen’ grooves 19 would not function effectively to direct roots toward the edge. Since Coplen provides no such teaching, it is assumed that the examiner is taking official notice. Applicant requests that the examiner provide a basis for such notice.

Regarding claim 23, Applicant points out that Coplen's elements 17 are "cut out portions or notches 17 which admit air." (Coplen, col. 3, lines 50-53). There is nothing about a cut out portion that would deflect anything.

Regarding claim 24, the examiner makes an unsupported assertion. Some basis must be provided to support each rejection. The Applicant has not been given an adequate opportunity to respond.

Regarding claim 40, Applicant asserts that the edge 16 of the plate 15 rests on the upper edge of the flange 13.

Claim 60 has been amended to include the limitation of "the base having an upwardly facing surface consisting essentially of a plurality of radially directed channels." Coplen has a base with a central groove.

Claims 1-24, 26-29, 31-38, 40, 41, 60, and 61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Single (6862840) in view of Coplen as above. Claim 1 includes the limitation of "the base having an upwardly facing surface with a plurality of radially directed channels" and has been amended, as discussed above, to include the further limitation of "wherein the upwardly facing surface is essentially free from obstructions to radial root growth." This combination of features is not taught or suggested by the cited references.

Regarding claims 8 and 29, Applicant asserts that Coplen, Figure 3 shows a constant curvature rather than "a central arch and a surrounding semispherical region." (See claim 8). In accordance with the claims, the central arch or dome has a different curvature than the surrounding semispherical region. (See Figures 1B-C, 2B-D, 3-5, 6A-8). The examiner must give meaning to every word of the claim.

Regarding claims 12 and 32, Applicant asserts that Coplen discloses a plate 15 having an edge 16. (Coplen, col. 3, lines 34-36). The edge is not a projection.

Regarding claim 15, Applicant has already pointed out that Coplen discloses an edge 16 (not a plurality of projections).

Regarding claims 20 and 36, Applicant asserts that the Coplen' grooves 19 would not function effectively to direct roots toward the edge. Since Coplen provides no such teaching, it is assumed that the examiner is taking official notice. Applicant requests that the examiner provide a basis for such notice.

Regarding claim 23, Applicant points out that Coplen's elements 17 are "cut out portions or notches 17 which admit air." (Coplen, col. 3, lines 50-53). There is nothing about a cut out portion that would deflect anything.

Regarding claims 26-28, the examiner makes an assertion regarding the obviousness of "the channels of Single as modified by Coplen" (Office Action, page 14). However, Applicant asserts that Single does not disclose channels at all.

Regarding claim 40, Applicant asserts that the edge 16 of the plate 15 rests on the upper edge of the flange 13.

Claim 60 has been amended to include the limitation of "the base having an upwardly facing surface consisting essentially of a plurality of radially directed channels." Coplen has a base with a central groove.

Applicant reasserts these comments with respect to claims 33-41 and 60-61. Reconsideration and withdrawal of the rejection is requested.

Claims 7, 26-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Coplen (as above). These claims depend from claim 1, which has been amended and distinguished from Coplen as discussed above. Claim 1 includes the limitation of “wherein the upwardly facing surface is essentially free from obstructions to radial root growth.” Reconsideration and withdrawal of the rejection is requested.

The Applicant wishes to draw particular attention to the new submitted claims 65-68.

Claim 65 includes the limitation of “wherein the cross-sectional profile of the channels is rectangular.” (Specification, para. [0038], lines 9-11). Coplen only discloses semicircular grooves for drainage and strength.

Claim 66 includes the limitation of “wherein the channels are formed by the region between adjacent ribs.” (Specification, para. [0031], lines 8-9; para. [0040], lines 2-4). Coplen nor Single disclose any ribs as described in the present specification. (See the ribs in Figures 1B, 2B and 2D).

Claim 67 includes the limitation of “the width of the ribs is minimized.” (Specification, para. [0047], lines 3-5; Figures 1B, 2B and 2D).

Claim 68 includes the limitation of “wherein the channels reduce or prevent root circling.” (Specification, para [0011], line 1; para [0031], lines 5-7; para [0033], lines 7-9; para [0035], lines 1-2; and [0036], lines 9-10). Coplen’s grooves 19 have a semi-circular cross-section that is shallow and would not be expected to reduce or prevent root circling. Roots following along the surface of the plate 15 would skip right over the grooves and any roots naturally directed into the groove would be able to grow up the gentle curvature on either side of the groove to escape the groove.

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In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/WHIT/0019.A of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,

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